

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 13

### Bill No. 52 -2015

Introduced by: The Chairperson at the request of the County Executive  
and Cosponsored by Greg Fox

AN ACT amending the existing Watershed Protection and Restoration Fee to include the rates in the Howard County Code; reducing the rates of the fee beginning on July 1, 2016; providing for the application of this Act; providing for the abrogation of certain provisions of the Howard County Code related to the fee, as of July 1, 2017; and generally relating to the Watershed Protection and Restoration Fee.

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Introduced and read first time \_\_\_\_\_, 2015. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2015.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2016 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2016

\_\_\_\_\_  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, we, as a County, have a responsibility to preserve and protect the  
2 Chesapeake Bay Watershed for future generations; and

3  
4           **WHEREAS**, Senate Bill 863, passed by the General Assembly in 2015, repealed the  
5 requirement for jurisdictions to collect a Watershed Protection and Restoration Fee but continues  
6 to require that jurisdictions have a Watershed Protection and Restoration fund and program; and

7  
8           **WHEREAS**, the County has a plan to maintain funding for the Watershed Protection and  
9 Restoration program and is able to continue to finance the stormwater remediation work  
10 required under our federally mandated National Pollution Discharge Elimination System  
11 (“NPDES”) Municipal Separate Storm Sewer System (“MS4”) Permit (the “Permit”); and

12  
13           **WHEREAS**, the County will continue to implement the numerous programs required by  
14 the Permit, including the development of restoration plans that will identify projects to treat  
15 untreated impervious acreage; and

16  
17           **WHEREAS**, the County Executive believes that the Watershed Protection and  
18 Restoration Fee, as enacted by the County Council through passage of Council Bill No. 8-2013,  
19 is an excessive burden on the residents and businesses, especially small businesses, of Howard  
20 County; and

21  
22           **WHEREAS**, the County Executive is confident that the County will continue to exercise  
23 fiscal prudence in selecting projects to pursue, as well as utilize innovative practices, in an  
24 overarching strategy to address requirements that the federally mandated Permit has on the  
25 County.

26  
27           **NOW THEREFORE,**

28  
29           *Section 1. Be It Enacted by the County Council of Howard County, Maryland that the Howard*  
30 *County Code is amended as follows:*

1 1. *By amending:*  
2 *Title 20. Taxes, Charges and Fees.*  
3 *Section 20.1102. Watershed protection and restoration fund.*

4  
5 2. *By amending:*  
6 *Title 20. Taxes, Charges and Fees.*  
7 *Section 20.1103. Watershed protection and restoration fee.*

8  
9 3. *By amending:*  
10 *Title 20. Taxes, Charges and Fees.*  
11 *Section 20.1104. Schedule of rates; regulations.*

12  
13 **Title 20. Taxes, Charges and Fees.**

14 **Subtitle 11. - Watershed Protection And Restoration.**

15  
16 **Section 20.1102. Watershed protection and restoration fund.**

17 (a) *Dedicated Fund.* In accordance with Title 4, Subtitle 2 of the Environment Article of the  
18 Annotated Code of Maryland, the County's Watershed Protection and Restoration Fund is hereby  
19 established as a dedicated, non-lapsing, Enterprise Fund.

20 (b) *Revenue.* The following revenue shall be deposited into the fund:

- 21 (1) Monetary contributions to meet the provisions of Title 18, Subtitle 9 of this Code  
22 regarding stormwater management alternatives;
- 23 (2) All monetary fines, penalties, and costs associated with violations of Title 18,  
24 Subtitle 3 and Subtitle 9 of this Code;
- 25 (3) All money collected ON BILLINGS DONE PRIOR TO JULY 1, 2017 from the imposition  
26 of the WATERSHED PROTECTION AND RESTORATION FEE [[fee]], AS THAT FEE  
27 EXISTED PRIOR TO JULY 1, 2017;
- 28 (4) All interest or other income earned on the investment of money in the fund; and
- 29 (5) Any additional money made available from any sources for the purposes for  
30 which the fund has been established.

1 (c) *Expenses.* In accordance with Title 2, Subtitle 4 of the Environment Article of the Annotated  
2 Code of Maryland and subject to subsection (d) of this section, the fund shall only be used for  
3 the following expenses:

- 4 (1) Capital improvements for stormwater management including stream and wetland  
5 restoration projects;
- 6 (2) Operation and maintenance of stormwater management systems and facilities;
- 7 (3) Public education and outreach relating to stormwater management or stream and  
8 wetland restoration;
- 9 (4) Stormwater management planning, including:
  - 10 (i) Mapping and assessment of impervious surfaces; and
  - 11 (ii) Monitoring, inspection, and enforcement activities to carry out the purposes of the  
12 fund;
- 13 (5) To the extent that fees imposed under Section 4-204 of the Environment Article  
14 of the Annotated Code of Maryland are deposited into the fund, review of  
15 stormwater management plans and permit applications for new development;
- 16 (6) Grants to nonprofit organizations for up to 100 percent of a project's costs for  
17 watershed restoration and rehabilitation projects relating to:
  - 18 (i) Planning, design, and construction of stormwater management practices;
  - 19 (ii) Stream and wetland restoration; and
  - 20 (iii) Public education and outreach related to stormwater management or  
21 stream and wetland restoration; and
- 22 (7) Reasonable costs necessary to administer the fund.

23 (d) *Expenditure Priority.* Subject to the County Executive's budget authority under the Charter,  
24 the first priority for expenditure of revenue from the watershed protection and restoration fee  
25 collected under this subtitle shall be to pay the debt service on bonds, notes, and other  
26 obligations issued to finance or refinance capital improvements or related expenses in connection  
27 with stormwater management systems and facilities.

28  
29 **Section 20.1103. Watershed protection and restoration fee.**

30 (a) The County shall charge and a property owner shall pay an annual Watershed Protection and  
31 Restoration Fee.

1 [[(b) The fee shall be adopted by resolution of the County Council.

2 (c) *Setting the Rate.* The County Council shall adopt by resolution a schedule of impervious unit  
3 rates and a schedule of rates for residential properties.]]

4 (B) *RATE FOR RESIDENTIAL PROPERTIES FOR FISCAL YEAR 2017.* FOR FISCAL YEAR 2017,  
5 BEGINNING ON JULY 1, 2016, THE RATES FOR RESIDENTIAL PROPERTIES ARE AS FOLLOWS:

6 (1) TOWNHOUSE OR CONDOMINIUM UNITS - \$7.50

7 (2) SINGLE FAMILY DETACHED

8 (I) PROPERTIES UP TO AND INCLUDING .25 ACRES - \$22.50

9 (II) PROPERTIES LARGER THAN .25 ACRES - \$45

10 (C) *IMPERVIOUS UNIT RATE FOR NON-RESIDENTIAL PROPERTIES FOR FISCAL YEAR 2017.* FOR FISCAL  
11 YEAR 2017, BEGINNING ON JULY 1, 2016, THE RATES FOR NON-RESIDENTIAL PROPERTIES ARE AS  
12 FOLLOWS:

13 (1) \$7.50 PER APARTMENT FOR APARTMENT BUILDINGS THAT ARE NOT SUBJECT TO THE  
14 SCHEDULE OF RATES FOR RESIDENTIAL PROPERTIES; AND

15 (2) \$7.50 PER IMPERVIOUS UNIT FOR NON-RESIDENTIAL PROPERTIES.

16 (d) *Method of Calculation.* FOR NON-RESIDENTIAL PROPERTIES, THE [[The]] fee based on the  
17 amount of impervious surface shall be calculated as follows:

18 (1) Determine the impervious surface measurement in square feet for the property,  
19 rounded to the nearest whole impervious unit.

20 (2) Multiply the property's impervious units by the Impervious Unit Rate.

21 (e) *Determining What Constitutes Impervious Area.* The County shall determine the impervious  
22 surface measurement for a NON-RESIDENTIAL property based on:

23 (1) Analysis of aerial photography;

24 (2) Measurement from approved engineering drawings including, without limitation,  
25 as-built drawings or site plans;

26 (3) Field surveys signed and sealed by a Professional Engineer or Professional Land  
27 Surveyor licensed in the State of Maryland; or

28 (4) Inspections conducted by the Department.

29 (f) *Agricultural Properties.* If a property has an agricultural use assessment as determined by the  
30 State Department of Assessments and Taxation, the fee shall be:

31 (1) The residential rate if:

- 1 (i) The property has a fully implemented Soil Conservation and Water  
2 Quality Plan that has been approved by the Soil Conservation District or a  
3 forest conservation and management agreement with the Maryland  
4 Department of Natural Resources; or  
5 (ii) The property owner has agreed to enter into, and is in the process of  
6 implementing, a soil conservation and water quality plan; or  
7 (2) Computed based on the impervious surface measurement calculated for the entire  
8 property, if the property has not implemented a Soil Conservation and Water  
9 Quality Plan approved by the Soil Conservation District.

10  
11 **Section 20.1104. Schedule of rates; regulations.**

12 (a) The County Council shall adopt by resolution a schedule of rates that shall include:

- 13 [[(1) The impervious unit rate that may be based on certain variables relative to a  
14 property's characteristics;  
15 (2) Rates for residential properties;]]  
16 ([[3]]1)Rates for credits awarded under section 20.1105 of this subtitle;  
17 ([[4]]2)Rates for reimbursements awarded under section 20.1106 of this subtitle; and  
18 ([[5]]3)Rates for reimbursements awarded under the Watershed Protection and  
19 Restoration Fee Assistance Program.

20 (b) *Regulations.* The County may adopt regulations to administer the provisions of this subtitle.

21  
22 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland  
23 *that, at the end of July 1, 2017, with no further action required by the County Council, the*  
24 *following sections of the County Code shall be abrogated and of no further force and effect:*

- 25 1. *Section 18.901(tt);*  
26 2. *Section 18.907;*  
27 3. *Section 18.909(e);*  
28 4. *Section 20.1100;*  
29 5. *Section 20.1101;*  
30 6. *Section 20.1103;*  
31 7. *Section 20.1104;*

- 1           8.     *Section 20.1105;*
- 2           9.     *Section 20.1106;*
- 3           10.    *Section 20.1108;*
- 4           11.    *Section 20.1109;*
- 5           12.    *Section 20.1110; and*
- 6           13.    *Section 20.1111.*

7

8     ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland that  
9     *Section 1 of this Act shall apply beginning on July 1, 2016.*

10

11    ***Section 4. And Be It Further Enacted*** by the County Council of Howard County, Maryland that  
12    *this Act shall become effective 61 days after its enactment.*